

**FITAPELLI & SCHAFFER, LLP**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

**AISHAYA CAUL, individually and on behalf of all  
others similarly situated,**

**Plaintiff,**

**-against-**

**PETCO ANIMAL SUPPLIES, INC., and PETCO  
ANIMAL SUPPLIES STORES, INC.,**

**Defendants.**

**No.: 20 Civ. 3534  
(RPK)(SJB)**

**DECLARATION OF BRIAN S. SCHAFFER IN SUPPORT OF PLAINTIFF'S  
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS PURSUANT TO RULE  
12(b)(6)**

I, Brian S. Schaffer, affirm under the penalties of perjury as follows:

1. I am a partner of Fitapelli & Schaffer, LLP ("Counsel" or "F&S") in New York, New York, counsel of record for Plaintiff in this matter. F&S is a well-respected and nationally recognized employment litigation firm based in New York City that represents plaintiffs in a variety of employment matters, including individual and class action litigation involving wage and hour, discrimination, and harassment claims, as well as contract and severance negotiations.
2. I am one of the lawyers primarily responsible for prosecuting Plaintiff's claims.
3. I submit this Declaration to place before the Court certain documents relied upon by Plaintiff in her opposition to Defendants' motion for to dismiss pursuant to Rule 12(b)(1).

4. Attached hereto as **Exhibit A** is a true and correct copy of the Judge Feurstein's reconsideration order in *Scott v. Whole Foods*, No. 18 Civ. 0086, ECF No. 58 (E.D.N.Y. Feb. 5, 2020).

5. Attached hereto as **Exhibit B** is a true and correct copy of Judge Locke's report and recommendation in *Sorto v. Diversified Maint. Sys.*, No. 20 Civ. 1302 (JS)(SIL), ECF Doc. No. 24 (E.D.N.Y. Nov. 15, 2020).

6. Attached hereto as **Exhibit C** is a true and correct copy of the oral argument transcript containing Judge Chen's order denying defendants' motion to dismiss in *Quintanilla v. Kabco Pharmaceuticals*, No. 19 Civ. 6752 (E.D.N.Y. Jun 30, 2020).

Dated: New York, New York  
December 23, 2020

By: /s/ Brian S. Schaffer  
Brian S. Schaffer

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*Attorneys for Plaintiff and  
the Putative Class*